

REMARKS

This is in response to the Office Action mailed on 01 December 2005 in which claims 1 and 8 were objected to for informalities, claims 1-7 were rejected under 35 U.S.C. §102(b) and claims 8-23, 25 and 26 were rejected under 35 U.S.C. §103(a). With this Amendment, claims 1-3, 5, 8, 10 and 21 are cancelled, claims 4, 6, 7, 9, 13, 20, 22 and 26 are amended, and new claims 27-34 are added.

Claim Objections

In the Office Action, the Examiner objected to claim 1 because it was not clear how Applicant defined “stowing”. While claim 1 has been cancelled, new claims 27 and 28 are re-written derivations of claims 8 and 5, respectively, which include all the elements of claim 1. In claims 27 and 28, however, the term “stowed” has been replaced with the more accurate term of “slidable”. Applicant believes that this should remedy the ambiguity.

In the Office Action, claim 8 was objected to for containing the term “downwardly” to describe the orientation of the tongue member. While claim 8 has been cancelled, new claim 27 is a re-written claim 8 in independent form, and new claim 27 does not include the term “downwardly” to describe the orientation of the tongue member. Applicant believes that this should remedy the informality.

Claim Rejections --35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1-3 as being anticipated U.S. Patent Number 4,887,836. Claims 1-3 have been cancelled.

In the Office Action, the Examiner rejected claims 1-7 as being anticipated by U.S. Patent Number 1,582,045 issued to Howe. The Examiner stated that “...Howe discloses a handle 22, 23 rigidly connects to a first side of a platform 10 while locked, a handle is substantially vertical while in the locked position....” Insomuch as it is not understood how Howe discloses either a locked position or the handle being substantially

vertical while in the locked position, Applicant respectfully disagrees.

As previously discussed, new claim 28 is a re-writing of claim 5 in independent form. Claim 28 further defines the invention as including the handle being “...**substantially perpendicular** and fixedly securable to the platform while in the extended locked position to prevent pivotal movement of the handle...” and that the hinge members are “...**positioned beyond an edge** [of]...the platform....” Howe teaches away from the handle being positionable substantially perpendicular to the platform because the pivot point 20 is positioned below the platform 10 which does not fully allow the handle 22 to pivot to a point substantially perpendicular to the platform 10 as the handle 22 will eventually engage the underside of the platform 10 well before coming anywhere near the perpendicular, as is illustrated in Figure 1. Furthermore, angle-iron bumper 11 will also prevent the handle 22 from becoming perpendicular to the platform 10. Therefore, Howe teaches away from a handle being substantially perpendicular to the platform and positioning hinge members beyond an edge of the platform. For these reasons, it is believed that claim 28 is novel and in allowable form. Reconsideration and allowance to that effect are respectfully requested. Also, because claims 7 and 29-34 depend in some fashion from claim 28, and it is believed that claim 28 is novel and in allowable form, then claims 7 and 29-34 are novel and in allowable form. Reconsideration and allowance to that effect are respectfully requested.

Claim Rejections – 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 8 as being unpatentable over Howe in view of U.S. Patent Number 6,508,479 issued to Tseng. Tseng was issued on 21 January 2003, and filed on 28 August 2001. Included herewith are the Declarations of Mr. Fred O. Hartmann and Allen C. Aaseby stating that the invention as defined by claim 8 was reduced to practice prior to 28 August 2001. Therefore, under 37 C.F.R. §1.131, the Tseng patent is no longer prior art and can not be used against the present invention for purposes of obviousness. Claim 8 is therefore non-obvious over the prior art and is believed to be in allowable form. For purposes of convenience, however, claim 8 has

been cancelled and re-written in independent form as new claim 27, and it is believed that claim 27 is also non-obvious over the prior art and in allowable form. Consideration and allowance to that effect are respectfully requested. Also, because claims 4, 6, and 9-13 depend in some form from claim 27, then claims 4, 6, and 9-13 are also believed to be non-obvious over the prior art and in allowable form. Reconsideration and allowance to that effect are respectfully requested.

In the Office Action, the Examiner rejected claims 14 and 17 as being unpatentable over Howe in view of Tseng. As discussed, included herewith are the Declarations of Mr. Fred O. Hartmann and Allen C. Aaseby stating that the invention as defined by claims 14 and 17 was reduced to practice prior to 28 August 2001. Therefore, under 37 C.F.R. §1.131, the Tseng patent is no longer prior art and can not be used against the present invention for purposes of obviousness. Claims 14 and 17 are therefore non-obvious over the prior art and are believed to be in allowable form. Reconsideration and allowance to that effect are respectfully requested. Also, because claims 15, 16, 18 and 19 depend in some form from claim 14, and it is believed that claim 14 is non-obvious over the prior art and in allowable form, then claims 15, 16, 18 and 19 are also non-obvious and are believed to be in allowable form. Reconsideration and allowance to that effect are respectfully requested.

In the Office Action, the Examiner rejected claims 21 and 22 as being unpatentable over Howe in view of U.S. Patent Number 5,078,415 and Tseng. As discussed, included herewith are the Declarations of Mr. Fred O. Hartmann and Allen C. Aaseby stating that the invention as defined by claims 21 and 22 was reduced to practice prior to 28 August 2001. Therefore, under 37 C.F.R. §1.131, the Tseng patent is no longer prior art and can not be used against the present invention for purposes of obviousness. Claims 21 and 22 are therefore non-obvious over the prior art and are believed to be in allowable form. Reconsideration and allowance to that effect are respectfully requested. For purposes of convenience, claim 20 has been amended to incorporate claim 21 (which is now cancelled). Also, claim 22 has been amended to properly depend from claim 20. Finally, being that claims 23, 25 and 26 depend in some

form from claim 20, and it is believed that claim 20 is non-obvious over the prior art and in allowable form, then claims 23, 25 and 26 are non-obvious over the prior art and in allowable form. Reconsideration and allowance to that effect are respectfully requested.

CONCLUSION


For the aforementioned reasons, it is now believed that claims 4, 6, 7, 9, 11-20, 22, 23 and 25-34 are all in order for allowance. Reconsideration and notice of allowance to that effect for claims 4, 6, 7, 9, 11-20, 22, 23 and 25-34 are respectfully requested.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact Applicant's attorney, Dustin R. DuFault, at 612-250-4851.

Respectfully submitted,

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